

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**IN RE FAMILY DOLLAR FLSA  
LITIGATION** : : : : **MDL DOCKET NO: 3:08-MD-1932**  
: : : : **Judge Graham C. Mullen**

*Concerning Grace v. Family Dollar Stores, Inc. (3:06-cv-306) and Ward v. Family Dollar Stores, Inc. (3:06-cv-441).*

## ORDER

This matter is before the Court on the motions to intervene in *Grace v. Family Dollar Store, Inc.*, Civil Action No. 3:06-cv-306, and *Ward v. Family Dollar Stores, Inc.*, Civil Action No. 3:06-cv-441. These cases were originally filed as collective actions alleging violations by Defendant of the Fair Labor Standards Act. Numerous individuals opted-in. The *Grace* case was transferred to this Court pursuant to 28 U.S.C. § 1404(a) on July 14, 2006. *Ward* similarly was transferred pursuant to 28 U.S.C. § 1404(a) on September 29, 2006. Thus, these cases were transferred prior to the MDL transfer of several cases pursuant to 28 U.S.C. § 1407.

Hence, the Court turned its attention to the earlier filed *Grace* and *Ward* cases, and determined that these cases were not appropriate for collective action treatment. The Court made that determination in *Grace* on September 6, 2007. The Court denied Plaintiffs' motion to facilitate notice in *Ward* on January 22, 2008. As a result, the claims of the individuals who had filed opt-in consent forms were dismissed without prejudice. At a status hearing on June 23, 2008, the Court ruled that the former opt-ins who remain interested in pursuing their claims could file motions to

intervene into the *Grace* and *Ward* lawsuits within sixty days. (See Court's Amended Order entered July 21, 2008, at ¶¶ 10-11) (doc. # 66).

On August 20, 2008, certain individuals filed motions to intervene in *Grace* and *Ward* as allowed by the Court. On September 8, 2008, Defendant filed its objections to the following individuals intervening in the *Grace* case: Brian Backlund; Tammie Brunson; Sharon Cantrell; Sandra Carney; Judy Carver; John Herbert Morrison; and William Tedder (doc. # 72). On that same date, Defendant objected to the following motions to intervene in *Ward*: Betty Davis; Ester Resendez; and Peggy Thomas (doc. # 74).

On October 20, 2008, this Court denied the motions to intervene in *Grace* filed by Brian Backlund, Tammie Brunson, Sharon Cantrell, Sandra Carney, Judy Carver, John Herbert Morrison, and William Tedder (doc. # 88). This Court further entered an Order denying the motions to intervene in *Ward* filed by Betty Davis, Ester Resendez, and Peggy Thomas (doc. # 89).

The Court, having considered the motions to intervene, allows the motions to intervene filed by the following individuals in the *Grace* case: John E. Gersch; Phyllis Fancher; Jodi Hare; Angela J. Cooper; Margie A. Little; Barbara G. Brown; Marcella San Giorgio; James Manos; Traci R. Davis; Arlene L. Atkins Moses; Alfred Blair; Ethel Braswell; Mark Clark; Linda Herring; Dusty G. Hylton; Erica L. Lewis; Michael M. McCoy; Doris M. Ness; LaSandra B. Rose; Eddie Mae Smith; Iva Vannetta Tate; Melvin Cathey; Catherine M. Dawson; Donna Gail Davis; Nannie Sue Daniels; Tanya Lakitsha Warren; Sandra Diane Rhinehart; Monica Jennifer Dance; Brenda Sue Roland; Betty J. Dearmon; Jimmy Earl Gilbert; Susan E. Brown; Mary Lou Defoor; Todd C. Hargrove; Jewell Ray Belford; Deborah J. Hales; Gwen K. Sinns; Robby H. Quinton; John Widdicombe; Cynthia McVeigh; Sharron Alice Daugherty; Tara Yvette Jahateh; Brenda Louise Bilbrey; Tammy Asher;

Nancy Burnette; Sharon Phillips Bell; Amanda Echols; Clair W. Trost; Austin Mudenda; Nancy Smith; and John A. Gertken, III.

The Court further allows the motions to intervene filed by the following individuals in the *Ward* case: Darrell D. Baker; Irish Johnson Houston; Chelsie Richardson; Sandra D. Roper; Rickie Rowell; Crestlie K. Bauman; Lydia E. Cantu; Mamie Conway; Howard G. Farmer; Ike Garza; Angela V. Giliberti; Jimmy Ray Guinn; Dorothy Harson; Timothy M. Hill; Dorothy R. Hudson Meadows; Lynnia Marion; Barbara Tucker; Sally Villanueva; and Dorothy A. Sexton Wilson.

**SO ORDERED.**

Signed: March 5, 2009



Graham C. Mullen  
United States District Judge

